

Paul Morabito

From: "Paul Morabito" <pamorabito@scc.ca.gov>
To: <president@gogalpin.com>
Cc: "marcia grimm" <mgrimm@scc.ca.gov>; "Sam Schuchat" <:sschuchat@scc.ca.gov>
Sent: June 12, 2002 7:13 PM
Subject: Lechuza Beach

Bert Boeckmann
Malibu-Encinal HomeOwners Association
31660 Sea Level Drive
Malibu, California

Dear Bert:

The Executive Officer of the Santa Monica Mountain Conservancy ("SMMC" or "MRCA") is meeting with you and the members of your homeowners association tomorrow - thank you for the invitation to attend, as I plan on coming.

The grant agreement between the State Coastal Conservancy ("SCC") and SMMC states, in section 5 of the Essential Deed Provisions: " *The grantee is obligated to use, manage, operate and maintain the real property as described in the "Use, Management, Operation and Maintenance" section of California State Coastal Conservancy Grant Agreement No. 00-170, as it may be amended from time to time.*"

Exhibit "A" to that agreement contains the SCC staff recommendation. Note that this was voted on prior to my being appointed to the SCC Board. The staff recommendation reads as follows: "*The Conservancy will work with the MRCA, the State Lands Commission, the Coastal Commission, local governments, the Malibu-Encinal Homeowners Association and other interested parties to develop agreements for management of the beach. Initially, and until a management plan is developed, no additional improvements would be installed. Pending completion of a management plan, public beach beach use would continue in the same manner as has been permitted and signed since 1991: during daylight hours, by pedestrian access from Broad Beach Road down either of the three improved routes of access, and with no support facilities such as restrooms or water service. The acquisition project will not be concluded until the Conservancy and/or MRCA have entered into agreements to ensure that the beach will be available to the public in this manner. In the longer term, an evaluation will be made of what physical improvements would be desirable to support or increase public access to Lechuza Beach, and what agency would be best to develop and operate those facilities. Alternatives include management of the beach for public access by the MRCA. Other alternatives include Los Angeles County, which also manages other beaches nearby, the City of Malibu, and a number of local nonprofit organizations. The Conservancy would continue to be responsible for the development of this management planning.*"

The SCC and MRCA have an obligation to negotiate in good faith a management plan for the beach with all parties concerned, as outlined above. You have represented to me that the Malibu-Encinal Homeowners Association will negotiate in good faith with SCC and MRCA, with a goal towards a management agreement that preserves, protects and enhances public access to the beach, whilst respecting the private property rights of the individual homeowners. Issues that need to be addressed in the management plan must include, but are not limited to, opening/closing hours; public safety;

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physical improvement of the existing, closed pedestrian steps; creation of a separate, handicapped automobile-only access and a designated handicapped parking area; clear signage marking private property; garbage removal; restrooms; and water service.

Thank you for your willingness to work with both agencies in negotiating a management plan that opens up this beach to the public - both for pedestrians and much needed handicapped automobile access. It is my sincere hope that this matter be resolved in the very near future.

Paul Morabito
Chairman
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